



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/512,061

10/21/2004

Haitao Tang

47092.00101

8579

32294

7590

07/20/2009

SQUIRE, SANDERS & DEMPSEY L.L.P.

8000 TOWERS CRESCENT DRIVE

14TH FLOOR

VIENNA, VA 22182-6212

EXAMINER

BRANDT, CHRISTOPHER M

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

07/20/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 10/512,061</p>	<p>Applicant(s) TANG ET AL.</p>	
	<p>Examiner CHRISTOPHER M. BRANDT</p>	<p>Art Unit 2617</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 01 July 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/George Eng/
Supervisory Patent Examiner, Art Unit 2617

/Christopher M Brandt/
Examiner, Art Unit 2617

Continuation of 11. With regard to applicant's arguments, the examiner maintains his rejection. The examiner notes that the arguments submitted on July 1, 2009 are substantially the same as that of the arguments submitted on January 8, 2009. The examiner respectfully disagrees with applicant's assertion that "updating information" is different than Yum's routing information as currently claimed. The examiner agrees that page 6, lines 32-34 disclose that "updating information" is related to network parameter changes in a network node. However, the claim does not further specify "updating information" so a reasonable interpretation of "updating information" could be routing information. The examiner notes that if the claim recited "updating information relating to a network parameter change in a network node", Yum would not read upon "updating information". However, the claim only recites "updating information" with no corresponding definition or relation to a network parameter change. The examiner also respectfully disagrees that there is no motivation for one of ordinary skill in the art, at the time the invention was made, to have incorporated the teachings of Yum into the invention of Cidon in order to disclose a generation of updating information to be forwarded. Cidon and Yum both address Automatic Network Routing (ANR), where Yum focuses on the design of an efficient and simpler algorithm for routing packets to their destinations (second paragraph on page 1285). Therefore, the examiner did not engage in an impermissible hindsight analysis in order to combine the cited references of Cidon and Yum. Lastly, the examiner has presented the previous reasons/arguments of how and why Cidon, Yum, and Reinshmidt disclose "wherein said network node is configured to generate, for each of its immediate offspring nodes, a respective updating information and to send said respective updating information to all of the immediate offspring nodes...the respective updating information...differs for each of the immediate offspring nodes based on the spanning tree structure," for applicant's convenience. Reinshmidt teaches that if the offset number and the current hop number of the modified packet differ, the node puts the next consecutive node's IP address, to which the packet should be forwarded, as the next intermediate end station, in front of the packet, and updates the current hop number (paragraph 79). The "offspring nodes" are read as the next consecutive node, which is also the immediate node. In addition, the updating of the current hop number is "updating information" so that the packet will arrive at its intended destination. Moreover, the updating information sent to each of the offspring nodes is different for each of the immediate offspring nodes since the packet is modified with the next consecutive node's IP address. The examiner also notes that Cidon teaches that the nodes execute a distributed tree maintenance protocol in order to construct this tree and maintain topology changes (305.1.5 lines 37-42). In addition, Cidon is concerned with using this topology to find the minimum hop path (301.1.5 lines 1-13). Reinshmidt is also concerned with finding the minimum path (Reinshmidt teaches that the originator maintains data for the optimal path, paragraph 79). Therefore, the combination of Cidon, Yum, and Reinshmidt teach "wherein said network node is configured to generate, for each of its immediate offspring nodes, a respective updating information and to send said respective updating information to all of the immediate offspring nodes...the respective updating information...differs for each of the immediate offspring nodes based on the spanning tree structure."

As a result, the claims are written such that the claims read upon the cited references.

Chris Brandt
Art Unit 2617
07/16/2009